IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

WP(C).No. 35526 of 2007(D)

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PETITIONER:

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C. MOHAMED HUSSAIN,
OVERSEER GRADE II, P.W.D. ROAD SECTION,
UNDER ROAD DIVISION, MANJERI.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER,
P.W.D. ADMINISTRATION, THIRUVANANTHAPURAM.

3. THE CHIEF ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM.

4. THE EXECUTIVE ENGINEER,
P.W.D. ROAD DIVISION, MANJERI.

5. THE ASSISTANT EXECUTIVE ENGINEER,
P.W.D. ROAD SUB DIVISION, MANJERI.

6. THE ASSISTANT ENGINEER,
P.W.D. ROAD SECTION, MALAPPURAM.

BY GOVT. PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**V.GIRI,J.**

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**W.P ( C) No. 35526 of 2007**

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**Dated this the 30th November, 2007**

**J U D G M E N T**

The petitioner, an Overseer Gr.II in the P.W.D. Road Section, Manjeri is aggrieved by Exhibit-P4 order of deployment by which he has been deployed to Local Self Government Department. According to him, he had not expressed his willingness to be deployed and therefore as among non optees the junior person should have been deployed. Aggrieved by Exhibit-P5 order of deployment , petitioner has filed Exhibit-P8 before the Chief Engineer. Petitioner also refers to Exhibit-P9 judgment of this Court by which another person who was aggrieved by Exhibit-P5 order of deployment had approached this Court and this Court had issued a direction to the Chief Engineer to consider the objection and take a decision thereon. Learned counsel for the petitioner Mr. M.V. Bose submits that pursuant to Exhibit-P9 the deployment of the petitioner therein was reviewed.

2. Petitioner submits that he also suffers from acute allergy problem to dust and therefore if he is deployed to the Local Self Government Department it will entail postings in

remote areas. He further contends that there is actual dearth of staff in the Public Works Department.

After having heard the learned counsel for the petitioner and the learned Government Pleader, this writ petition is disposed of directing the 2nd respondent to look into Exhibit-P8 in the light of Exhibit-P9 judgment and Exhibit-P10 order and take a decision thereon, within four weeks from the date of receipt of a copy of this judgment.

**(V.GIRI, JUDGE)**

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**K.THANKAPPAN,J**

**CRL.A. NO.92 OF 1999**

**ORDER**

**25th May, 2007**